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OCT 23 2007

No. 07-14665-D

JURISDICTIONAL QUESTION(S)

CLERK
U.S. DISTRICT COURT
MIDDLE DIST. OF ALA.

Whether the district court's August 30, 2007, order, stating that it was denying Appellant's "Motion to Waive Posting of Financial Securities . . . to the extent plaintiff moves . . . for a temporary restraining order," is immediately appealable? See 28 U.S.C. § 1291; Ingram v. Ault, 50 F.3d 898, 899-900 (11th Cir. 1995); McDougald v. Jenson, 786 F.2d 1465, 1472-73 (11th Cir. 1986); Fernandez-Roque v. Smith, 671 F.2d 426, 429 (11th Cir. 1982); Belo Broad. Corp. v. Clark, 654 F.2d 423, 426 (5th Cir. August, 1981).

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

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October 18, 2007 A 10:38

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 07-14665-D

Case Style: Re'Naul M. Johnson v. AL DOC

District Court Number: 07-00767 CV-W-N

NOTICE OF APPEAL FILED: October 5, 2007

After review of the district court docket entries, order and/or judgment appealed from, and the notice of appeal, it appears that this court may lack jurisdiction over this appeal. If it is determined that this court is without jurisdiction, this appeal will be dismissed.

The parties are requested to simultaneously advise the court in writing within fourteen (14) days from the date of this letter of their position regarding the jurisdictional question(s) set forth on the attached page. An original plus three copies of any response should be filed. The responses must include a Certificate of Interested Persons and Corporate Disclosure Statement as described in Fed.R.App.P. 26.1 and the corresponding circuit rules. Requests for extensions of time to file a response may not be entertained.

After fourteen (14) days, this court will consider any response(s) received and any portion of the record that may be required to resolve the jurisdictional issue(s). Please note that the issuance of a jurisdictional question does not stay the time for filing appellant's briefs otherwise provided by 11th Cir. R. 31-1.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Nancy Holbrook (404) 335-6183

c: District Court Clerk

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DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Debra P. Hackett
Clerk, U.S. District Court
15 LEE ST STE 206
MONTGOMERY AL 36104-4055

October 18, 2007

Appeal Number: 07-14665-D

Case Style: Re'Naul M. Johnson v. AL DOC

District Court Number: 07-00767 CV-W-N

CC: Re'Naul M. Johnson (AIS 166237)

CC: Debra P. Hackett

CC: Troy King

CC: Administrative File